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10/779,744	02/18/2004	Kazumi Doi	1075.1248	9438

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EXAMINER	
LIU, LIN	

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/779,744	DOI ET AL.	
	Examiner	Art Unit	
	LIN LIU	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communications filed on 09/01/2009. Claims 1-18 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/01/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant **Admitted Prior Art (PGPUB: US 2004/0267908).** Admission [See MPEP § 704.11 (a), section (s), paragraph 4].

With respect to **claim 1,** Admission discloses a compound contents delivery method of a delivery system having a plurality of contents servers to which a plurality of contents having a length of time are distributed to be stored in their contents storage units, respectively, a management server for managing delivery of contents to a portable terminal and an intermediate apparatus for mediating supply of contents from said plurality of contents servers to said management server, where the delivery system deliveries a compound contents to the portable terminal, said method comprising:

outputting, in said management server, outputting instruction information for production of the compound contents to said intermediate apparatus based on a substance of said compound contents to be produced, the compound contents being a combination of a plurality of contents portions in time series, and each contents portions being partially fetched in time dimension from one of the contents stored in one of the storage units (Admission: fig. 22, page 1, paragraphs 0005 and 0013);

executing a contents portion fetching instruction, in said intermediate apparatus, instructing said contents servers to fetch contents portions needed for production of the compound contents according to said instruction information outputted (Admission: fig. 22, page 1, paragraph 0012);

executing a compound contents element acquiring and transmitting, in each of said contents servers, acquiring a compound contents element in corresponding relation to said contents portion which is an object of the fetching instruction in said contents portion fetching instruction, converting the acquired compound contents element in an encoding format for said portable terminal, and transmitting the acquired and converted compound contents element to said intermediate apparatus (Admission: fig. 22, page 1, paragraphs 0007 and 0011-0015);

executing a production operation of, in said intermediate apparatus, combining said compound contents elements received from said contents servers according to time series based on instruction information from said management server thereby producing compound contents oriented to said portable terminal (Admission: fig. 22, page 1, paragraph 0015); and

delivering, in said management server, said compound contents produced in said production operation to said portable terminal (Admission: fig. 22, page 1, paragraphs 0015-0016);

In regard to **claims 14 and 18**, the claim limitations of these claims are substantially the same as those in claim 1. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claims 14 and 18.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Swart et al. (PGPUB: US 2003/0025832 A1)** in view of **Sasaki et al. (Patent no.: US 6,480,234 B1).**

With respect to **claim 1,** Swart teaches a compound contents delivery method of a delivery system having a plurality of contents servers to which a plurality of contents having a length of time are distributed to be stored in their contents storage units, respectively, a management server for managing delivery of contents to a portable terminal and an intermediate apparatus for mediating supply of contents from said plurality of contents servers to said management server, where the delivery system deliveries a compound contents to the portable terminal (Swart: fig. 4), said method comprising:

outputting, in said management server, outputting instruction information for production of the compound contents to said intermediate apparatus based on a substance of said compound contents to be produced (Swart: fig. 4, page 4, paragraphs 44-45, noted the aggregator 201), the compound contents being a combination of a plurality of audio and video content portions (Swart: page 3, paragraph 38), and each contents portions being partially fetched in time dimension from one of the contents stored in one of the storage units (Swart: page 3, paragraphs 38-40, noted content streaming);

executing a contents portion fetching instruction, in said intermediate apparatus, instructing said contents servers to fetch contents portions needed for production of the compound contents according to said instruction information outputted (Swart: fig. 4,

page 3, paragraphs 40-41 and page 4, paragraphs 44-45, noted the remote content server 204);

executing a compound contents element acquiring and transmitting, in each of said contents servers, acquiring a compound contents element in corresponding relation to said contents portion which is an object of the fetching instruction in said contents portion fetching instruction, converting the acquired compound contents element in an encoding format for said portable terminal, and transmitting the acquired and converted compound contents element to said intermediate apparatus (Swart: fig. 4, page 4, paragraphs 45-47, noted that the formatter reformats all input content into a format that is readily received by all user terminals);

executing a production operation of, in said intermediate apparatus, combining said compound contents elements received from said contents servers based on instruction information from said management server thereby producing compound contents oriented to said portable terminal (Swart: fig. 4, page 3, paragraphs 40-41 and page 4, paragraphs 44-45); and

delivering, in said management server, said compound contents produced in said production operation to said portable terminal (Swart: fig. 4, page 4, paragraph 47, noted that the aggregator reformats all the content into a format that is readily received by all user terminals).

However, Swart does not explicitly teach a method of combining compound content elements according to time series.

In an analogous art, Sasaki teaches a method of combining audio and video portions according to time series (Sasaki: abstract and col. 6 line 65 to col. 7 line 11, note the audio portion is synchronized with video portion in time correspondence).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of synchronizing audio portion with video portion of the compound content in time correspondence as taught by Sasaki in Swart's invention in order to align the frames and properly render the contents to the users.

With respect to **claim 2,** Swart teaches a compound contents delivery method according to claim 1, wherein said management server is made to store and manage said compound contents previously received from said intermediate apparatus and said instruction information which corresponds to said compound contents by association, and said method further comprises:

making decision as to an identity between said instruction information produced in said instruction information production and said instruction information stored in said management server (Swart: page 5, paragraph 54); and

executing an in-management-server first control, when the decision shows the produced instruction information is identical with said instruction information stored and managed in said management server, using said compound contents stored in a state associated with the stored instruction information as said compound contents to be delivered to said portable terminal in said delivering and, when the decision shows no

identity there between, transmitting the produced instruction information to said intermediate apparatus (Swart: page 5, paragraphs 54-55).

With respect to **claim 3,** Swart teaches a compound contents delivery method according to claim 2, wherein a plurality of intermediate apparatuses each identical with said intermediate apparatus are provided, and in said decision as to identity, a decision is additionally made as to the degree of similarity between the produced instruction information and said instruction information stored in said management server, and in said in-management-server first control, when a decision result in said decision as to identity shows that the produced instruction information is not identical with said instruction information stored and managed in said management server, the produced instruction information is transmitted to said intermediate apparatus to which compound contents information is returned with respect to, of said instruction information stored and managed in said management server, said instruction information which is decided to be most similar to the produced instruction information (Swart: page 5, paragraphs 54-55).

With respect to **claim 4,** Swart teaches a compound contents delivery method according to claim 1, wherein a plurality of intermediate apparatuses each identical with said intermediate apparatus are provided, and in said management server, a processing load monitoring is implemented to monitor a processing load in said converting unit and an in-management-server second control is provided to transmit said instruction information produced in said instruction information production to said converting unit

having a smallest processing load on the basis of a monitor result from said processing load monitoring step (Swart: page 5, paragraphs 55-56).

With respect to **claim 5,** Swart teaches a compound contents delivery method according to claim 1, wherein, in said compound contents element acquiring, said intermediate apparatus stores and manages said compound contents elements returned from said contents server in the past, and said contents portion fetching instruction includes an in-intermediate-unit duplication decision operation of obtaining information for specifying contents portion needed for the compound contents production from said instruction information and making a decision as to the degree of duplication in substance between said contents portion needed for the compound contents production and said compound contents element stored and managed in said intermediate apparatus (Swart: pages 5-6, paragraphs 58-59); and

Executing a fetching instruction for giving a fetching instruction to said contents server on the basis of a decision result in said in-intermediate-unit duplication decision step (Swart: page 6, paragraph 60).

With respect to **claim 6,** Swart teaches a compound contents delivery method according to claim 5, wherein, in said executing of the fetching instruction, on the basis of a decision result in said in-intermediate-unit duplication decision operation, said fetching instruction is not given to said contents server with respect to a duplicate portion between a substance of said contents portion needed for the compound contents production and said compound contents element stored and managed, and a compound contents element corresponding to said duplicate portion is used in

producing said compound contents in said production (Swart: pages 5-6, paragraphs 58-59).

With respect to **claim 7,** Swart teaches a compound contents delivery method according to claim 5, wherein, in said executing of the fetching instruction, on the basis of a decision result in said in-intermediate-unit duplication decision, when the substance of a portion of the contents portion needed for the compound contents production is duplicate with respect to said compound contents element stored and managed, said fetching instruction on a contents portion non-duplicate with respect to said compound contents element is given to said contents server (Swart: page 6, paragraph 62).

With respect to **claim 8,** Swart teaches a compound contents delivery method according to claim 1, wherein each of said contents servers stores and manages said compound contents element returned in said compound contents element acquiring in the past and said compound contents element acquiring includes:

an in-contents-server duplication decision operation of making a decision on the degree of the duplication in substance between the contents portion which is an object of said fetching instruction in said contents portion fetching instruction and said compound contents element stored and managed in said contents server (Swart: pages 5-6, paragraphs 58-59); and

a compound contents element reply operation of, on the basis of a decision result in said in-contents-server duplication decision, fetching said contents portion, which is an object of said fetching instruction, from said contents storage unit and making a

conversion into an encoding format for said portable terminal to return it as a compound content element to said intermediate apparatus (Swart: page 6, paragraph 62).

With respect to **claim 9,** Swart teaches a compound contents delivery method according to claim 8, wherein, in said compound contents element reply operation, on the basis of the decision result in said in-contents-server duplication decision operation, of said contents portion which is an object of said fetching instruction in said contents portion fetching instruction, a portion duplicate in substance with respect to said compound contents element stored and managed is not fetched from said contents storage unit while a compound contents element corresponding to the substance duplicate portion is returned to said intermediate apparatus (Swart: pages 5-6, paragraphs 58-59).

With respect to **claim 10,** Swart teaches a compound contents delivery method according to claim 8, wherein, in said compound contents element reply operation, on the basis of the decision result in said in-contents-server duplication decision operation, of said contents portion which is an object of said fetching instruction in said contents portion fetching instruction operation, a portion non-duplicate in substance with respect to said compound contents element stored and managed is fetched from said contents storage unit and, after a conversion is made into an encoding format for said portable terminal, the non-duplicate portion is returned as a compound contents element to said intermediate apparatus (Swart: pages 5-6, paragraphs 58-59).

With respect to **claim 11,** Swart teaches a compound contents delivery method according to claim 1, wherein, in said contents server, on the basis of popularity,

important event and the like, a contents portion expected to be an object of said fetching instruction in said contents portion fetching instruction is stored and managed as said compound contents element in advance (Swart: page 5, paragraphs 56).

. With respect to **claim 12,** Swart teaches a compound contents delivery method according to claim 1, wherein each of said contents distributed to said plurality of contents servers includes data having a time zone including voice data or motion picture data and said contents portion is arranged through the use of the voice or motion picture data partially extracted from said time zone (Swart: page 6, paragraphs 60).

. With respect to **claim 13,** Swart teaches a compound contents delivery method according to claim 12, wherein, in said contents portion fetching instruction in said intermediate apparatus, said contents portion for the compound contents production which is an object of said fetching instruction is designated by designating information about a service location on the internet having said contents portion, a time zone of said contents portion, a media assortment or an encoding condition after the encoding conversion (Swart: page 5, paragraphs 54-55).

In regard to **claims 14-18**, the claim limitations of these claims are substantially the same as those in claims 1-13. Therefore, the supporting rationale of the rejection to claims 1-13 applies equally as well to claims 14-18.

Response to Amendment

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445